

ISSUE OPTIONS AND ACTIONS

ISSUE: In what manner should a strengthened Executive Branch oversight of intelligence activities be exercised?

CONGRESSIONAL COMMITTEE POSITIONS:

SENATE SELECT COMMITTEE: No indication

HOUSE SELECT COMMITTEE: No indication

OPTIONS

1. Oversight exercised by a special counsel or other officer in the White House who reports directly to the President. Such an officer would be supported by a small staff, but have no management or resource responsibilities over the Intelligence Community. He and his staff would essentially be in an inspector general role.

2. Oversight would be exercised by a permanent joint executive/legislative commission (one-half of the members selected by the President and one-half by the Congressional leadership). Presidential appointees would be from outside the Government; Congressional appointees would be either Congressmen or from outside the Government. The Commission would report simultaneously to the President and to the Congress. A commission staff would be created.

3. Enlarge the responsibilities of the NSCIC to include Community oversight, with responsibility to report periodically to the President. The PFIAB role would remain essentially as proposed in DCI comments of 3 October on a proposed new executive order on PFIAB. The 40 Committee responsibility would be absorbed by the NSCIC. This would require establishment of a separate NSCIC Staff.

4. Expand the responsibilities of the PFIAB and enlarge its staff to enable exercise of an oversight role, with the role of the NSCIC remaining essentially as it is. The 40 Committee also would continue to exist.

PROPOSED ACTION:

A memorandum for the President should be prepared setting forth the recommendations of the DCI as representing the view from inside the Intelligence Community as to how oversight could be most effective.

ACTION RESPONSIBILITY: D/DCI/IC

## ISSUE OPTIONS AND ACTIONS

ISSUE: By what mechanism could Congressional oversight of the Intelligence Community best be exercised?

### CONGRESSIONAL COMMITTEE POSITIONS:

SENATE SELECT COMMITTEE: Senator Church has publicly opted for a permanent joint Congressional committee; some sentiment for separate committees is believed to exist in the committee.

The Government Operations Committee of the Senate has taken up the question, and will report by 1 March 1976 its recommendation.

HOUSE SELECT COMMITTEE: Cong. Pike reportedly has agreed with Sen. Church on a joint committee with rotating membership.

### OPTIONS

NOTE: The DCI has testified that how Congress organizes itself for intelligence oversight is a matter for the Congress to decide and that the Intelligence Community will respond fully to whatever oversight mechanism is created.

The key problem is not whether joint or separate committee oversight committees are formed, but the relation of whatever new oversight mechanism is created to the committees which now exercise Congressional oversight.

It can be assumed the intelligence subcommittee of the two Appropriations Committees will continue to exist.

The key options are:

1. A joint Executive/Congressional commission is formed to provide oversight of the Intelligence Community and becomes the single entity so involved, other than the Appropriations Subcommittees which deal with the intelligence budget.

2. The new congressional oversight committee/committees replace(s) the Armed Services Subcommittees now exercising oversight, and all other Congressional committees agree to forego oversight/investigation of aspects of intelligence activities which fall within their committee charters.

3. The new oversight committee/committees will function, but with the Armed Services Subcommittees continuing something like their present role. If this should occur, there is less likelihood that other Congressional committees would cease inquiries into aspects of intelligence activities which they consider come within their charters.

PROPOSED ACTION

Against the likelihood that the DCI will be asked to discuss the impact of various oversight arrangements which one of the other select committees would have under consideration, a position paper should be developed for the DCI's use.

ACTION RESPONSIBILITY: OLC/CIA in coordination with the OGC/CIA

## ISSUE OPTIONS AND ACTIONS

ISSUE: How should the Intelligence Community budget be developed, reviewed and approved?

### CONGRESSIONAL COMMITTEE POSITIONS:

SENATE SELECT COMMITTEE: Some staffers have indicated interest in giving greater authority to the DCI.

HOUSE SELECT COMMITTEE: One staffer has expressed surprise the DCI has so little actual authority in this area.

### OPTIONS

NOTE: The mechanics of the programming and budget process can be varied in numerous ways, but the essential options concern the distribution of authority to provide concrete directive guidance and to decide what is to be submitted to the President for approval. The key actors are the senior U.S. intelligence officer (whether or not he is the DCI), the DCI, the Secretary of Defense and his ASD(I), and OMB.

1. Give the senior U.S. intelligence officer in whatever new organizational structure evolves authority to issue detailed budget guidance and responsibility for recommending to the President the budget for the entire Intelligence Community. In essence, this would put a fence around the intelligence budget and take it out of departmental hands.

2. Continue what is essentially the present system, including a requirement for submission of an NFIP by the DCI or whoever is the senior officer of the Intelligence Community, but with the departments also submitting budgets for their intelligence elements.

3. Eliminate the requirement for an NFIP from the DCI, and leave intelligence budget development and review strictly a departmental or agency responsibility. This would markedly enhance the role of the ASD(I) in the Defense Department.

4. Strengthen the role of the Office of Management and Budget by charging it to provide detailed program guidance, down to specific elements of the intelligence budget, rather than limiting guidance, as now, to an overall ceiling figure.

PROPOSED ACTION:

Develop a position paper which the DCI could present to the White House or to the Select Committees, when the timing appears appropriate.

ACTION RESPONSIBILITY: MPRRD/ICS in coordination with CIA/  
Comptroller

ISSUE OPTIONS AND ACTIONS

ISSUE: What structural changes are needed to improve the effectiveness of the Intelligence Community?

CONGRESSIONAL COMMITTEE POSITIONS:

SENATE SELECT COMMITTEE: No indication as yet.

HOUSE SELECT COMMITTEE: No indication as yet.

OPTIONS

NOTE: Current consideration of possible structural changes in the Intelligence Community revolve around the future of CIA, the kind of staff structure that a senior U.S. intelligence officer outside of CIA would require, whether certain of the large intelligence collection programs now within the DoD should be assigned elsewhere, and the future of DIA.

1. Retain the present structure, but add a strong staff to support a senior U.S. intelligence officer who is other than the Director of CIA. Size and composition of this staff would depend on whether the new official is charged with:

a. the production of NIEs or of all national intelligence

b. the development of the budget for the entire community

c. the exercise of an inspector general function for the community

d. the direction of the CIA

2. Depending on whether the foregoing option is exercised and what responsibilities are charged to the new senior intelligence officer, the CIA would:

a. remain organized essentially as at present

b. lose its production elements, and become essentially an organization of the Clandestine Service and communicators

3. The new senior U.S. intelligence officer, or the DCI, is made Executive Agent of the Government for the conduct of SIGINT activities, which will make the Director, NSA, directly responsible to him.

4. The new senior U.S. intelligence officer, or the DCI, is made Executive Agent of the Government for the conduct of the national reconnaissance programs, with the directors of these programs reporting directly to him.

5. The Defense Intelligence Agency could be disbanded and its functions reassigned to a revived J-2, Joint Chiefs of Staff and to the military services.

6. The departmental headquarters intelligence staffs of the military services could be markedly reduced in size and their function, with their current responsibilities being absorbed in large measure by the DIA.

PROPOSED ACTION:

Without question, the DCI is going to be asked to present his views to the Executive Branch on possible changes in the structure of the Intelligence Community and, in all likelihood, the Congressional Committees will make a similar request. He should have a position paper in which he expresses his preferences and outlines the pros and cons of various proposals.

ACTION RESPONSIBILITY: D/DCI/IC



ISSUE OPTIONS AND ACTIONS

ISSUE: What is the future of covert action? Where should responsibility for conduct of covert actions reside?

CONGRESSIONAL COMMITTEE POSITIONS:

SENATE SELECT COMMITTEE: Not known, but is expected to support retention of a capability, but require Congressional approval for operations.

HOUSE SELECT COMMITTEE: Not known, but likely to be same as above.

OPTIONS

NOTE: It can be assumed that the Executive and Legislative Branches will reach some agreement with respect to the existence of, the basis for, and the control of covert actions conducted by the U.S. Government.

The essential element is the preservation and nature of the clandestine collection and foreign counter-intelligence functions--for the organization having responsibility for such will possess the potential capability for the Government to undertake covert action when approved by appropriate authorities.

The key element of this issue, therefore, is where should the capability for clandestine collection of foreign intelligence reside.

The options for location of the Clandestine Service are:

1. Within the DDO as part of a CIA organized basically as at present.
2. Separation of the Clandestine Service from the central intelligence organization charged with production of national intelligence, with the Director of the Clandestine Service responsible directly to the White House.
3. Transfer of the Clandestine Service to the Department of State.

4. Transfer of the Clandestine Service to the Department of Defense.

5. Transfer of the Clandestine Service to the Department of Justice.

PROPOSED ACTION:

Develop a memorandum which the DCI could present to the White House, or to the Select Committees, when the timing appears appropriate.

ACTION RESPONSIBILITY: DDO/CIA

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## ISSUE OPTIONS AND ACTIONS

ISSUE: How should national intelligence estimates be produced?

### CONGRESSIONAL COMMITTEE POSITIONS:

SENATE SELECT COMMITTEE: Senator Mondale has publicly argued for resurrection of the Board of National Estimates. The SSC Staff has been exploring the history of estimates production and reviewing NIEs.

HOUSE SELECT COMMITTEE: Not known.

### OPTIONS:

NOTE: Options concern the organizational structure, the organizational location and the coordination and approval process.

1. Structure options:

a. Use the individual expert approach--the NIO concept.

(1) With a staff of sufficient size actually to produce the NIEs.

(2) Without a support staff, with a requirement for draft inputs from production organizations of the Community.

b. Use the generalist approach--reconstitute a board comparable to the old BNE.

(1) With a staff of sufficient size to produce the NIE drafts.

(2) Without a support staff, and consequent dependence on Community inputs.

c. Use an ad hoc approach--with NIE drafts prepared by task groups formed to produce individual estimates.

2. Location options:

a. Create a special NIE staff for the senior U.S. intelligence officer if he is other than the head of the CIA.

b. Maintain as a special staff of the DCI, whichever structure option (NIO/BNE or other) is adopted.

c. Locate within the production organization of the CIA.

3. Coordination/approval options:

a. Approval by the senior U.S. intelligence officers a personal responsibility.

b. Approval by the NSCIC.

c. Approval through the USIB structure as at present.

d. Issuance by the production organization, with clear indication as to differing views (NIO, BNE, or other) with clear indication as to differing views of any dissenting production elements.

PROPOSED ACTION:

It can be expected that before the Select Committee hearings are over the matter of production of national intelligence will be a subject of committee consideration, and the DCI should have a position paper which he can use to present his views.

ACTION RESPONSIBILITY: D/DCI/NIO

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ISSUE: How can the Executive and Legislative Branches best be assured that CIA's foreign intelligence activities are conducted with due respect to the constitutional rights of American citizens?

CONGRESSIONAL COMMITTEE POSITIONS:

SENATE SELECT COMMITTEE: The focus on "abuse" areas is strong indication that corrective legislation is contemplated.

HOUSE SELECT COMMITTEE: Concern about intelligence "abuses" is expected to result in legislative proposals.

OPTIONS

1. Issuance of an Executive Order by the President titled, "Establishing Restrictions on Foreign Intelligence Activities."

(Several drafts of an E.O. on this subject have been reviewed, and it can be expected that an E.O. will be forthcoming in the near future. This option appears, in fact, to be in process of execution.)

2. Despite issuance of an E.O. (or even because of it) the Congress will write into statute specific restrictions on intelligence activities which may be the same as, or more stringent than, the E.O. It cannot be expected that any legislation will be less restrictive than the E.O.

3. Because of the issuance of a Presidential E.O., the Congress will desist from legislating on specific restrictions concerning foreign intelligence activities which could impinge on the constitutional rights of citizens. (This option is considered quite unrealistic.)

PROPOSED ACTION:

In the light of restrictions contained in the Executive Order now approaching final form, the DCI should be prepared to comment on legislative proposals which would extend or augment provisions of the E.O. In particular, he should be prepared to comment on the impact which various possible restrictions could have on the effectiveness of the foreign intelligence effort. To this end, a position paper should be prepared for his use.

ACTION RESPONSIBILITY: OGC/CIA in coordination with the General Counsels of the various elements of the Intelligence Community and the Department of Justice.

ISSUE OPTIONS AND ACTIONS

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ISSUE: How can the Congressional need for substantive foreign intelligence best be accommodated?

CONGRESSIONAL COMMITTEE POSITIONS:

SENATE SELECT COMMITTEE: Unknown

HOUSE SELECT COMMITTEE : Unknown

OPTIONS

1. Provide intelligence to the Congress by a program of on-call briefings designed to address the interests of the requesting congressional committee. (This is essentially the present system.)
2. Design a special series of unclassified publications for distribution to the Congress as a means of coping at least in part with congressional interest in being kept informed of developments. (This would not be intended as "current intelligence" coping with the daily newspaper, but would be special memoranda summarizing background information.)
3. On the basis of identified needs and formal requests, provide each committee of the Congress, for retention, classified documents relating to the work of the committee.
4. Provide a security facility in the Capitol in which national current intelligence publications and national intelligence estimates could be made available to all members of the Congress.
5. Provide all members, on an equal basis, all national intelligence products, e.g., establish an all-source classified intelligence library in the Capitol, staffed by intelligence personnel.

PROPOSED ACTION:

Form a community task group to develop a proposal which the DCI could present on his initiative to the Senate and House Select Committees.

ACTION RESPONSIBILITY: DDI/OLC/OGC

(NOTE: The order of listing of the options is as seen from the viewpoint of the Executive Branch. As seen by the Congress, the listing probably would be in reverse order.)